

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Holly Ann Brady
Holly Ann Winkeljohn (maiden name)

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Northern District of Indiana

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802

4. **Birthplace**: State year and place of birth.

1969; Fort Wayne, Indiana

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2013: Indiana University Robert H. McKinney School of Law; Civil Mediator Certificate, 2013

1991 – 1994: Valparaiso University School of Law; J.D., 1994

1987 – 1991: Indiana University; B.A. and Certificate of Business Studies, 1994

Summer 1988: Indiana University Purdue University; no degree

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802
President (2012 – 2018)
Member, Management Committee (2009 – 2018)
Member (2007 – present)

2002 – 2007
Theisen Bowers & Brady, LLC
Now Theisen & Associates LLC
810 South Calhoun Street, Suite 200
Fort Wayne, Indiana 46802
Member

1998 – 2002
Barnes & Thornburg LLP
888 South Harrison Street, Suite 600
Fort Wayne, Indiana 46802
Associate

Summer 1993, August 1994 – October 1998
Gallucci Hopkins & Theisen, P.C.
Subsequently merged with Barnes & Thornburg LLP
Associate (1994 – 1998)
Summer Intern (Summer 1993)

1992 – 1994
Lexis Nexis
Valparaiso University School of Law
656 South Greenwich Street
Valparaiso, Indiana 46383
Research trainer

Summer 1993, December 1993
Allen County Circuit Court
715 South Calhoun Street
Fort Wayne, Indiana 46802
Law Clerk to the Honorable Thomas Ryan and Magistrate Judge Thomas Felts

Summer 1992
Barrett & McNagny/Midwest Cardiovascular Research Foundation
215 East Berry Street

Fort Wayne, Indiana 46802
Legal intern/research assistant

Summer 1991 (and during school breaks from 1991 – 1994)
Almet, Inc.
300 Hartzell Road
New Haven, Indiana 46774
Office Assistant

Summer 1991
Tara Cooperative
350 East Essex Lane
Fort Wayne, Indiana 46825
Lawn Maintenance Crew

Summer 1991
RAM Softball League
Fort Wayne, Indiana
Softball Umpire

Other Affiliations (uncompensated):

2013 – present
Olin B. & Desta Schwab Foundation
110 West Berry Street, Suite 1902
Fort Wayne, Indiana 46802
President (2017 – present)
Member, Board of Directors (2013 – present)

1995 – present
Allen County Bar Association
924 South Calhoun Street
Fort Wayne, Indiana 46802
Secretary (2007 – 2009)
Member, Board of Directors (2006 – 2009)
Labor and Employment Section, Chair (2006 – 2010)
Labor and Employment Section, Vice Chair (2005 – 2006)

2006 – 2015
Northern District of Indiana Federal Community Defenders
2929 Carlson Drive, Suite 101
Hammond, Indiana 46323
Member, Board of Directors (2006 – 2015)

2008 (approx.) – 2012 (approx.)
Fort Wayne Sexual Assault Treatment Center

2270 Lake Avenue, Suite 201
Fort Wayne, Indiana 46825
Vice President (2011 – 2012)
Member, Board of Directors (2009 – 2012)

1998 – 2001, 2007 – 2012
American Inns of Court, Benjamin Harrison Chapter
This organization has no physical address.
President (2010 – 2011)
Member, Nominating Committee (2008 (approx.) – 2010 (approx.))

2001 – 2006
Girl Scouts Limberlost Council Board
10008 Dupont Circle Drive E
Fort Wayne, Indiana 46825
Vice President (2002 – 2006)
Member, Board of Directors (2001 – 2006)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Best Lawyers in America in Labor and Employment (2013 – Present)

AV rating Martindale Hubbell Rating System

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Allen County Bar Association (1995 – present)
Secretary (2007 – 2009)
Member, Board of Directors (2006 – 2009)
Labor and Employment Section, Chair (2006 – 2010)
Labor and Employment Section, Vice Chair (2005 – 2006)

American Inns of Court, Benjamin Harrison Chapter (1998 – 2001, 2007 – 2012)
President (2010 – 2011)
Member, Nominating Committee (2008 (approx.) – 2010)

Indiana State Bar Association (1995 – 2002)

Judicial Nominating Committee for Allen County, Indiana (2017 – present)

Northern District of Indiana Federal Community Defenders (2006 – 2015)
Member, Board of Directors

Seventh Circuit Bar Association (2017 – present)

United States District Court for the Northern District of Indiana, Magistrate Judge
Reappointment Committee (2007 – 2009)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Indiana, 1994

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 2018

United States Court of Appeals for the Seventh Circuit, 1997

United States District Court for the Eastern District of Wisconsin, 2004

United States District Court for the Northern District of Indiana, 1994

United States District Court for the Southern District of Indiana, 1994

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Olin B. & Desta Schwab Foundation (2013 – present)

President (2017 – present)

Member, Board of Directors (2013 – present)

Fort Wayne Sexual Assault Treatment Center (2009 – 2012)

Vice President (2011 – 2012)

Member, Board of Directors (2009 – 2012)

Girl Scouts of Limberlost Council (2001 – 2006)

Vice President (2002 – 2006)

Member, Board of Directors (2001 – 2006)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies of transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

June 2017: Panelist, Discussion of Women in the Legal Profession, Allen County Bar Association, Fort Wayne, Indiana. I participated in a panel discussion as part of a general discussion about women in the legal profession. I do not have any notes, transcripts, or recordings. The address of the Allen County Bar Association is 924 South Calhoun Street, Fort Wayne, Indiana 46802.

May 2016: Speaker, Career Day, St. Vincent's Middle School, Fort Wayne, Indiana. I spoke to 7th and 8th grade students about the legal profession and educational requirements to be a lawyer, and answered student questions. I have no notes, transcripts, or recordings. The address of St. Vincent's Middle School is 1720 East Wallen Road, Fort Wayne, Indiana 46825.

May 2015: Speaker, Career Day, St. Vincent's Middle School, Fort Wayne, Indiana. I spoke to 7th and 8th grade students about the legal profession and educational requirements to be a lawyer, and answered student questions. I have no notes, transcripts, or recordings. The address of St. Vincent's Middle School is 1720 East Wallen Road, Fort Wayne, Indiana 46825.

May 2014: Speaker, Career Day, St. Vincent's Middle School, Fort Wayne, Indiana. I spoke to 7th and 8th grade students about the legal profession and educational requirements to be a lawyer, and answered student questions. I have no notes, transcripts, or recordings. The address of St. Vincent's Middle School is 1720 East Wallen Road, Fort Wayne, Indiana 46825.

May 2013: Speaker, Career Day, St. Vincent's Middle School, Fort Wayne, Indiana. I spoke to 7th and 8th grade students about the legal profession and educational requirements to be a lawyer, and answered student questions. I have no notes, transcripts, or recordings. The address of St. Vincent's Middle School is 1720 East Wallen Road, Fort Wayne, Indiana 46825.

April 2012: Speaker, Career Day, St. Vincent's Middle School, Fort Wayne, Indiana. I spoke to 7th and 8th grade students about the legal profession and educational requirements to be a lawyer, and answered student questions. I have

no notes, transcripts, or recordings. The address of St. Vincent's Middle School is 1720 East Wallen Road, Fort Wayne, Indiana 46825.

December 9, 2008: Co-presenter, Seminar on Non-Compete Agreements, Allen County Bar Association, Fort Wayne, Indiana. PowerPoint supplied.

1995 through 2000: Speaker, Semi-Annual Seminars on Labor and Employment Law Issues, National Business Institute, Fort Wayne, Indiana. It is my recollection that I presented semi-annual seminars (sponsored by the National Business Institute) to lawyers and business professionals regarding labor and employment law issues from 1995 through 2000. I have no notes, transcripts, or recordings, and I have not been able to determine the exact dates of these seminars. I have contacted the National Business Institute for further information, but I was informed that it did not have any records related to these presentations. The address of the National Business Institute is 1218 McCann Drive, Altoona, Wisconsin 54720.

July or August 1992: Speaker, Midwest Cardiovascular Research Foundation Dinner, Fort Wayne, Indiana. I provided comments regarding issues surrounding organ transplantation. A copy of the report I prepared and provided to the audience supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Lorraine Taylor, "*Nana*" Serves Up Encouragement to Dwenger Football Team, WANE TV, Nov. 16, 2017. Video available at <http://www.wane.com/news/local-news/nana-serves-up-encouragement-to-dwenger-football-team/1035602503>.

Rebecca S. Green, *Wayne Trustee Faces Possible Suit – Accused of Forcing Staff To Help in Mayoral Campaign*, Journal Gazette (Fort Wayne, Indiana), Feb. 27, 2016. Copy supplied.

Adam Widener, *Horrible or Hoopla? Attorneys Weigh in on Religious Freedom Law*, WANE TV, Mar. 26, 2015. Copy supplied.

Sports Briefs: Keady Brings Madness' Back to Mackey, Journal Gazette (Fort Wayne, Indiana), Oct. 17, 2003. Copy supplied.

Kevin Balsley, *Civil Court Briefs: Resident Sues Sunrise Home*, Journal Gazette (Fort Wayne, Indiana), Dec. 12, 2002. Copy supplied.

Niki Kelly, *Gun-Care Decision Awaited as Precedent*, Journal Gazette (Fort Wayne, Indiana), Apr. 8, 2002. Copy supplied.

Niki Kelly, *Parents of Killer Sued in Slaying of Officer*, Journal Gazette (Fort Wayne, Indiana), July 28, 1999. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

- i. Of these, approximately what percent were:

jury trials: _____ %
bench trials: _____ % [total 100%]

civil proceedings: _____ %
criminal proceedings: _____ % [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal**: If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
 - b. a brief description of the asserted conflict of interest or other ground for recusal;
 - c. the procedure you followed in determining whether or not to recuse yourself;
 - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.
15. **Public Office, Political Activities and Affiliations**:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office. I have not had any unsuccessful candidacies for an elected or appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not clerk for a judge after law school.

ii. whether you practiced alone, and if so, the addresses and dates

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1994 – 1998

Gallucci Hopkins & Theisen, P.C.

Subsequently merged with Barnes & Thornburg LLP

Associate

1998 – 2002

Barnes & Thornburg

600 One Summit Square

Fort Wayne, Indiana 46802

Associate

2002 – 2007

Theisen, Bowers & Brady, LLC

Now Theisen & Associates LLC

810 South Calhoun Street, Suite 200

Fort Wayne, Indiana 46802

Member

2007 – present

Haller & Colvin, P.C.

444 East Main Street

Fort Wayne, Indiana 46802

Member (2007 – present)

Member of Management Committee (2009 – 2018)
President (2012 – 2018)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator. I recently obtained certification as a mediator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years

My practice throughout my career generally has focused on employment and labor law. I began my legal career at Gallucci, Hopkins & Theisen, P.C., in Fort Wayne, Indiana, a firm that primarily worked on labor and employment matters. During that time I handled employment litigation, including discrimination claims, in the Indiana federal and state courts, as well as before the Equal Employment Opportunity Commission and the National Labor Relations Board. I also assisted with contract negotiations with various unions. When Gallucci Hopkins & Theisen merged with Barnes & Thornburg, I worked on complex civil litigation in addition to my employment practice.

In 2002, I left Barnes & Thornburg to join what became Theisen, Bowers & Brady, a boutique employment law firm. After five years, I accepted an invitation to join Haller & Colvin, P.C. While at Haller & Colvin, I have continued my work on labor and employment issues, and have also represented clients in complex civil litigation in state and federal courts throughout the country.

In addition to my practice in state and federal courts, I continue to regularly represent clients in matters before the Equal Employment Opportunity Commission and related local agencies, the National Labor Relations Board, the Department of Labor Wage and Hour Division, and various Occupational Safety and Health Administrations. I also continue to represent clients in contract negotiations with unions and in arbitrations related to employee discipline under collective bargaining agreements.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Early in my career, I represented both employees and employers in employment-related cases. As my career has developed, I have primarily represented business entities and their owners.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The vast majority of my practice has been devoted to litigation requiring me to regularly appear in court throughout my career.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 40% |
| 2. state courts of record: | 50% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 10% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 100% |
| 2. criminal proceedings: | 0% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried ten (10) cases to verdict before a jury or judge. I also have tried approximately ten (10) cases to a final decision in arbitration. In the majority of the trials, I acted as one of the lead counsel, sharing responsibility for the trial equally with my co-counsel. In the majority of the arbitrations I was lead counsel.

- i. What percentage of these trials were:

- | | |
|--------------|------------------------------|
| 1. jury: | 40% |
| 2. non-jury: | 60% (including arbitrations) |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have never practiced before the United States Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe

in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *McKeever v. Irving Gravel Co., Inc.*, Case No. 02D3-1311-PL-000422 (Allen Cty. Super. Ct.).

This case entailed the representation of two brothers in connection with a suit brought by their sister. Plaintiff asserted that my clients had breached their fiduciary duties relating to two family businesses that the three siblings jointly owned. We filed counterclaims against plaintiff (and certain related people and entities) alleging conversion of hundreds of thousands of dollars from the family companies. I acted as lead counsel, developing case strategy and leading an extensive discovery effort, which ultimately resulted in the settlement of the case at mediation.

Dates of Representation: February 2014 – December 2017

Judge: Honorable Stanley A. Levine

Co-Counsel:

John O. Feighner
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802
(260) 426-0444

Attorney for Plaintiff Judy A. McKeever:

Theodore T. Storer
Rothberg Logan & Warsco, LLP
505 East Washington Boulevard
Post Office Box 11647
Fort Wayne, Indiana 46859
(260) 422-9454

Attorney for Jenna Tyler, Randy McKeever, Mark McKeever and Pace-It-Fitness, LLC d/b/a Studio Tan:

Jason M. Kuchmay
Snyder Morgan LLP

200 West Main Street
Syracuse, Indiana 46567
(574) 457-3300

2. *E.T. Prods., LLC v. D.E. Miller Holdings, Inc.*, Case No. 2:13-CV-424, 154 F. Supp. 3d 755 (N.D. Ind. 2016), *aff'd*, 872 F.3d 464 (7th Cir. 2017).

This case entailed the representation of a buyer of assets, which sought to enforce a non-compete provision in an asset purchase agreement. The posture of this case was complicated by the settlement of related litigation before my firm was retained. On cross-motions for summary judgment, the district court decided in favor of the seller. On appeal, the Seventh Circuit agreed with our position that the non-compete agreement was enforceable, but concluded that there was no evidence that the seller had violated it. I served as lead counsel during both the trial and appellate proceedings and argued the case before the Seventh Circuit.

Dates of Representation: December 2014 – November 2017

District Court Judge: Honorable Philip P. Simon

Seventh Circuit Panel: Honorable Kenneth Ripple; Honorable Ilana Rovner;
Honorable Diane Sykes

Co-Counsel:

Mark E. GiaQuinta
Sarah L. Schreiber
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802
(260) 426-0444

Attorney for Defendants:

David R. Pruitt
725 Howard Street
South Bend, Indiana 46617
(574) 632-8014
Formerly with Barnes & Thornburg, LLP

3. *Driver v. D. Mosley Trucking, Inc.*, Case No. 13-4074 (W.D. Ark.).

This was a complex case arising out of a truck roll-over, which resulted in a brain injury to an elderly plaintiff. My firm represented a manufacturer of steel, which plaintiff claimed had failed to properly load and secure the steel on the truck. I was responsible for case strategy and discovery. We conducted extensive expert discovery to establish that the crash occurred as a

result of the speed and turning radius of the truck, not as the result of a shifting load. The case settled at mediation shortly before trial.

Dates of Representation: August 2013 – July 2015

Judge: Honorable Susan O. Hickey

Co-Counsel:

Mark E. GiaQuinta
Andrew L. Teel
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802
(260) 426-0444

Bruce E. Munson
Munson, Rowlett, Moore & Boone, P.A.
400 West Capitol Avenue, Suite 1900
Little Rock, Arkansas 72201
(501) 374-6535

William Cody Kees
Bequette & Billingsley, P.A.
425 West Capitol Avenue, Suite 3200
Little Rock, Arkansas 72201
(501) 374-1107
Formerly with Munson, Rowlett, Moore & Boone, P.A.

Attorneys for Plaintiffs Robert Driver, Lois Driver, Keith Dedmon, and Sean Kearney:

Samuel R. Palermo
11700 Katy Freeway, Suite 300
Houston, Texas 77079
(713) 355-8614
Formerly with Thomas J. Henry, Injury Attorneys

Tom Tatum
Tatum Riedel
522 Main Street
Post Office Box 669
Danville, Arkansas 72833
(479) 495-2649

Attorneys for Defendants D. Mosley Trucking and Ramon R. Colon

David W. Townend
127 Liberty Lane

Rockwall, Texas 75032
(469) 964-8488
Formerly with The Willis Law Group, PLLC

Jeffrey W. Martin
777 Main Street, Suite 2300
Fort Worth, Texas 76102
(214) 346-3757
Formerly with The Willis Law Group, PLLC

4. *Estate of Trainer v. Yum! Brands, Inc.*, Case No. 92C01-1105-CT-241
(Whitley Cty. (Indiana) Cir. Ct.).

This case entailed the representation of a mother and her son whose vehicle was struck by a van that had crossed the centerline, killing the mother and severely injuring her son. We brought a wrongful death and personal injury case against the driver and his employer. The defense raised novel issues regarding duties owed by physicians to the traveling public. We prevailed on this issue at summary judgment, and the case thereafter settled at mediation.

Dates of Representation: May 2011 – May 2013

Judge: Honorable James Heuer

Co-Counsel:
Mark E. GiaQuinta
John O. Feighner
Melanie L. Farr
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802
(260) 426-0444

Attorney for Defendants:
Kevin C. Schiferl
Timothy L. Karns
Frost Brown Todd LLC
201 North Illinois Street, Suite 1900
Indianapolis, Indiana 46204
(317) 237-3800

5. *Bleeke v. Ruse*, Case No. 02D01-0704-CT-158 (Allen Cty. Sup. Ct.), *aff'd*,
Case No. 02A04-0902-CV-00115, 914 N.E.2d 1 (Ind. App. Ct. 2009).

This case entailed the representation of a businessman. Our client asserted claims against his former business partner for conversion, fraud and breach of

fiduciary duty. The claims were based upon our client's position that his partner made material misrepresentations regarding his investment in the Company and otherwise converted partnership assets. The court issued judgment in our client's favor and entered an award of damages and attorney fees following a bench trial. The court of appeals affirmed the trial court's judgment.

Dates of Representation: April 2007 – September 2009

Judge: Honorable Daniel G. Heath

Attorney for Defendant:

Vegeler Law Office
110 West Berry Street, Suite 1200
Fort Wayne, Indiana 46802
(260) 407-6161

6. *Wade v. Fries*, Case No: 1:06-cv-404 (N.D. Ind.).

This case entailed the representation of the Sheriff of Allen County, Indiana, who was sued by the Estate of an inmate who had died in jail. The inmate, who had a history of alcoholism, was found unresponsive in his cell. Although he was immediately transported to the hospital, he ultimately died. I led extensive discovery efforts and drafted substantive motions. The parties settled the claim in a judicial settlement conference.

Dates of Representation: December 2006 – March 2010

Judges: Honorable Joseph S. Van Bokkelen and Honorable Theresa L. Springmann

Co-Counsel:

Melanie L. Farr
John O. Feighner
Haller & Colvin, P.C.
444 East Main Street
Fort Wayne, Indiana 46802
(260) 426-0444

Attorneys for Plaintiff Vicki Wade:

Robert J. Boughter
Boughter Sinak, LLC
5150 West Jefferson Boulevard
Fort Wayne, Indiana 46804
(260) 420-4878

Stephen M. Wagner
Wagner Reese LLP
11939 North Meridian Street
Carmel, Indiana 46032
(317) 569-0000

Attorneys for Defendant City of Fort Wayne, Russell York, JW Hatfield and
Lieutenant Stoner:

Kelly J. Pautler
Indiana Legislative Services Agency
200 West Washington Street, Room 301
Indianapolis, Indiana 46204
(317) 232-0484
Formerly with Carson Boxberger, LLP

Robert T. Keen, Jr.
Barrett McNagny LLP
215 East Berry Street
Post Office Box 2263
Fort Wayne, Indiana 46802
(260) 423-9551
Formerly with Carson Boxberger, LLP

7. *Bobay v. Health Care Plan of Christian Care Ret. Cmty.*, Case No: 1:04-cv-00027 (N.D. Ind.).

This case entailed the representation of a woman suffering from non-Hodgkin's lymphoma. After my client's health insurance carrier confirmed that her allogenic bone marrow transplant was a covered procedure, she underwent high dose chemotherapy to suppress her immune system in preparation for the anticipated transplant, leaving her highly susceptible to illness. Her insurer later changed its coverage position, claiming that the transplant was experimental. We filed an action seeking a preliminary injunction and declaratory judgment asserting claims for promissory estoppel, waiver, wrongful denial of benefits, and ERISA violations. The case was settled in less than two weeks, and my client underwent a successful bone marrow transplant.

Dates of Representation: January 2004 – August 2004

Judge: Honorable Roger B. Cosbey

Co-Counsel:
John C. Theisen
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810 South Calhoun Street, Suite 200

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(260) 422-4255

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8. *Herrold v. Hercules Mach. Corp.*, Case No. 02D01-0108-CT-00301 (Allen Cty. Super. Ct.).

This case entailed the representation of a corporation against a third party contractor injured on its premises. The third party contractor broke his back when he fell from a pallet raised in the air by a forklift. He brought a claim for negligence against the corporation. The corporation faced significant risk, given that its insurance coverage had lapsed because of an oversight. After a three-day trial, the jury returned a verdict in favor of our client.

Dates of Representation: August 2001 – March 2005

Judge: Honorable David Avery

Co-Counsel:

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Theisen & Associates LLC
810 South Calhoun Street, Suite 200
Fort Wayne, Indiana 46802
(260) 422-4255

Attorney for Plaintiff:

Daniel Ostojic
6287 Central Avenue
Portage, Indiana 46368

9. *Estate of Heck v. Stoffer*, Case No. 02C01-9907-CT-000088 (Allen Cty. Sup. Ct.), *aff'd*, Case No. 02A03-0007-CV-267, 752 N.E.2d 192 (Ind. Ct. App. 2001), *rev'd*, Case No. 02S03-0202-CV-125, 786 N.E.2d 265 (Ind. 2003).

This case entailed the representation of the surviving spouse and dependent of an Allen County Deputy Sheriff who had been shot and killed in the line of duty by a fleeing felon. The shooter had used a handgun taken from his parents' home, and we filed suit against his parents for negligence on the theory that they failed to safeguard their loaded gun even though they knew their son was on the run from the police. The trial court and court of appeals ruled in favor of the defendants. The Indiana Supreme Court, however, reversed, concluding that there was a genuine issue of material fact as to whether or not the parents acted reasonably. The matter later settled at mediation.

Dates of Representation: 1997 – 2003

Judge: Honorable Fredrick A. Schurger, Special Judge

Co-Counsel:

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Brian England
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Attorneys for Defendants Raymond & Patricia Stoffer:

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Stephen J. Harants
Miller & Harants
618 Professional Park Drive
New Haven, Indiana 46774
(260) 749-5858
Formerly with Miller, Carson, Boxberger & Murphy

10. *Bowser v. McGee*, Case No. 1:96-cv-423 (N.D. Ind.).

This case entailed the representation of a husband and wife following an automobile accident. The defendant admitted liability, but there was a significant dispute regarding the extent of the plaintiffs' damages. The case went to trial, where I questioned witnesses and participated in the opening and closing arguments. The jury rendered a verdict in my clients' favor in an amount more than 20 times the clients' medical expenses.

Dates of Representation: 1995 – 1997

Judge: Honorable William C. Lee

Co-Counsel:

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810 South Calhoun Street, Suite 200
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(260) 422-4255
Formerly with Gallucci, Hopkins & Theisen; Barnes & Thornburg

Attorney for Defendants:

Kevin K. Fitzharris, Esq.
Barrett McNagny
215 East Berry Street
Post Office Box 2263
Fort Wayne, Indiana 4680

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Although litigation has been the cornerstone of my practice, I have utilized my legal skills in a number of other ways. As an initial matter, I have represented clients in multiple arbitrations. These arbitrations range from complex business disputes for which arbitration is contractually mandated to terminations of employees for violations of collective bargaining agreements. Representing clients in arbitration proceedings is similar to representing clients in court proceedings. However, arbitrations can be more challenging in that there is typically limited discovery requiring the lawyer to think quickly on her feet. Moreover, my clients often call upon me to offer advice about actions that they would like to take. In particular, as a lawyer specializing in employment and labor matters, I am called upon on an almost daily basis to offer advice and counsel on various employment decisions. I take great pride that my clients trust me to offer advice both as to the law and the practical effects of contemplated actions, and, further, that my advice has helped to avoid unnecessary litigation.

I have also had the opportunity to use my legal skills and experience for the benefit of my community. I have been a member of several local not-for-profit boards, where I have been able to use my skills as a lawyer to help address various issues facing the organizations. Most recently I had the honor of being selected by my peers to serve as one of three attorney members of the Allen County Judicial Nominating Committee. On the committee, I worked with Indiana Supreme Court Justice Steven David to interview and select three qualified candidates for Governor Eric Holcomb's consideration in filling a judicial vacancy in the Allen County Superior Court (Juvenile Division).

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

In the event I am selected to serve as a district court judge, I will withdraw as an owner/ shareholder of Haller & Colvin, PC and otherwise terminate my employment relationship. Upon my withdrawal from membership, the remaining owners of Haller & Colvin will make certain elections regarding post-termination payments permitted by my Employment Agreement. Haller & Colvin, P.C. will also purchase my shares in the corporation for the previously established price per share. In addition, I will be required to sell my ownership interest in East Main Street Associates, LLC, the real estate entity which owns the property leased by Haller & Colvin, P.C. for its law firm operations. The East Main Street Associates, LLC's Operating Agreement provides for the purchase of an owner's interest at fair market value upon the owner's withdrawal from Haller & Colvin, P.C. Finally, Haller & Colvin, P.C. will make contributions for accrued retirement benefits required by its 401(k) plan to my 401(k) account.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments, or agreements to pursue outside employment during my service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here). .

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse myself in any litigation where I have ever played a role. For a period of time, I anticipate recusing myself in all cases where my current firm, Haller & Colvin, PC, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of

conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will following determining in these areas of concern.

If confirmed, I will carefully review any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other applicable laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As described above, I have served on many not-for-profit boards throughout my career. As part of this service, I have often provided legal counsel. I estimate that I spend an average of 10 hours per year providing legal counsel to the boards on which I serve (in addition to my general board responsibilities). For example, during my service on the Board for the Fort Wayne Sexual Assault Treatment Center, a not-for profit organization that employs forensic nurses to perform forensic examinations of and support to victims of sexual assault, I provided extensive legal support to the operations over the course of a two-year period. I have also participated in the Martin Luther King "Ask A Lawyer" Event sponsored by the Allen County Bar Association to provide free legal consultations to the disadvantaged on Martin Luther King Day. Finally, I volunteer on an annual basis speaking to middle school students about the practice of law.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On or about June 1, 2017, I received a telephone call from Senator Todd Young's office indicating that I was being considered for a vacancy in the United States District Court for the Northern District of Indiana, Fort Wayne Division. I interviewed with representatives of Senator Young on or about June 6, 2017 in Fort Wayne, Indiana, at which time I provided these representatives with a copy

of my resume. On June 22, 2017, I interviewed with representatives of the White House Counsel's Office and the Department of Justice's Office of Legal Policy in Washington D.C. On July 27, 2017, I submitted an Application for Prospective Judicial Nominees for the Northern District of Indiana. I then interviewed with Senator Young at his office in Indianapolis, Indiana, on July 31, 2017. On December 16, 2017, I was notified by the White House Counsel's Office that I had been selected as the preliminary candidate for the vacancy, pending the completion of the required background checks. I interviewed with members of Senator Donnelly's staff on January 9, 2018 via videoconference. I interviewed with Senator Donnelly at his office on February 16, 2018.

Since December 16, 2017, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy. On April 10, 2018, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.